C. Remarks

In response to the Office Action dated September 12, 2003, Applicants respectfully request reconsideration of this application based on the foregoing claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

At page 2 of the Office Action, claims 1-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anand (U.S. Patent No. 5,426,688) in view of Dulman (U.S. Patent No. 6,018,567). Applicants respectfully traverse each of these rejections as follows:

Section 103(a) Rejection of Claims 1-50

Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C. §103(a) requires, among other things, that the cited references, when combined, teach or suggest every element of the claim. *See e.g.*, MPEP § 2142. Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) for claim 1, as amended, because the Anand and Dulman references, taken alone or in combination, fail to disclose, teach, or suggest every element recited in amended claim 1.

For example, Applicants have amended claim 1 to provide:

> A method for capturing call processing failures in a telecommunication system occurring at a telecommunication switch control processor as the failures occur, comprising:
>
> establishing a communication link between a computing system and the telecommunication system;
>
> the computing system continually capturing, in real-time, call processing failure data occurring at the telecommunication switch control processor;
>
> continuously analyzing on a cumulative basis, in real-time, the captured call processing failure data and determining if a predetermined condition is met; and

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storing the captured call processing failure data to the storage
device.

Applicants respectfully submit that the Anand and Dulman references, taken alone or in
combination, fail to disclose, teach, or suggest, among other things, a method for capturing call
processing failures in a telecommunication system occurring at a telecommunication switch
control processor as the failures occur that includes: (1) "continually capturing, in real-time, call
processing failure data occurring at the telecommunication switch control processor," and (2)
"continuously analyzing on a cumulative basis, in real-time, the captured call processing failure
data and determining if a predetermined condition is met" as recited in amended claim 1.

First, the Office fails to cite any portion of the Dulman reference that discloses, teaches,
or suggests the step of *continually* capturing call processing failure data. To the contrary,
Dulman discloses that the status agent 64 at a programmable AIN node (e.g., the IP 24 of Fig.
4C) typically compiles status messages on a periodic basis in response to a polling request from
the SNMP agent 52b of the MOC 32, after which any status messages are transmitted to the
MOC 32. *See* Fig. 5 and col. 14, lns. 30-32, for example. In some cases, however, Dulman
further discloses that the SNMP agent 52a of the programmable AIN node may output a trap if a
critical event is detected between polls by the MOC 32, thus causing the SNMP agent 52b of the
MOC 32 to poll the SNMP agent 52a of the programmable AIN node in order to retrieve any
status messages. In neither instance, however, is the polling done continually, as recited in
amended claim 1 – in the former instance the polling disclosed by Dulman is performed at
discrete time intervals, while in the latter instance the polling is purely event-driven.

Second, the Office fails to cite any portion of the Dulman reference that discloses,
teaches, or suggests the *real-time capture* of call processing failure data. Although Dulman, as
noted in the Office Action, discloses that a software sub-agent at a programmable AIN node may
generate a trap immediately upon the detection of a critical error, the process of generating a trap
is not the equivalent of capturing call processing failure data, as recited in amended claim 1.
Rather, the trap merely serves as a trigger that causes the MOC 32 to poll the SNMP agent 52a of

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the programmable AIN node. *See* col. 13, lns. 20-22, for example. In response to the polling of the MOC 32, the status agent 64 at the programmable AIN node compiles a status report for the SNMP agent 52a, after which the status report is supplied to the MOC 32. *See* col. 13, lns. 63-67, for example. Dulman nowhere discloses that this data capture process, beginning with trap generation and ending with the receipt of the compiled status report by the MOC 32, occurs within a time interval that falls within the definition of real-time as defined in the instant application (i.e., "substantially instantaneously as the failures occur"). *See* Specification, pg. 22, lns. 13-14, for example.

Third, the Office fails to cite any portion of the Dulman reference that discloses, teaches, or suggests the capture of *call processing failure data*. In particular, the call processing failure data recited in amended claim 1 differs from the monitored information of Dulman in at least two respects. First, the call processing failure data, unlike the errors disclosed by Dulman, comprise various parameters relating to call transactions between transmitting and receiving telecommunication devices. *See* Specification, pg. 18, lns. 8-27, pg. 46, ln. 17 - pg. 47, ln. 15, and Fig. 7B, for example. In contrast, the types of errors disclosed by Dulman do not relate to call transactions, but rather to the performance of hardware and software systems and subsystems within individual programmable AIN nodes. *See* col. 2, ln. 55 - col. 3, ln. 25, col. 14, lns. 21-59, and Fig. 5, for example. Second, the call processing failure data recited in amended claim 1 is captured by the computing system in a raw, unprocessed format. *See* Specification, pg. 28, ln. 25 - pg. 29, ln. 7, for example. Dulman, however, discloses that the MOC 32 does not capture the actual errors generated by the monitoring systems at the programmable AIN node. Rather, Dulman discloses that the status agent 64 merely compiles an overall status summary of the monitored subsystems based upon the actual errors. *See* col. 13, lns. 61-67, for example. Thus, the monitored information of Dulman may be distinguished from the call processing failure data recited in amended claim 1 at least on the basis of the nature of the information itself, and the diminished level of detail provided therein.

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Fourth, the Office fails to cite any portion of the Dulman reference that discloses, teaches, or suggests *continuously* analyzing on a *cumulative* basis the captured call processing failure data in *real-time* and determining if a predetermined condition is met. As discussed previously with respect to data capture, Dulman fails to disclose, teach, or suggest the capture of call processing failure data on a real-time basis as recited in amended claim 1. Therefore, Dulman also fails to disclose, teach, or suggest real-time analysis of captured call processing failure data. Furthermore, although Dulman discloses, at col. 15, lns. 36-41, for example, the classification of error status messages and the assignment of icon shapes and colors based upon this classification (i.e., informational message assigned to color green), the classification and assignment processes are clearly distinguishable from the "analyzing" and "determining" steps recited in amended claim 1 in at least two respects. First, the method recited in claim 1 continuously analyzes the captured data to determine if the predetermined condition has occurred. In contrast, the application of the classification and assignment processes disclosed by Dulman to a particular error status message occurs only once in order to associate an operational priority and status with the error status message. Second, whereas the error classification and assignment processes disclosed by Dulman are applied to each error status message individually, the "analyzing" step recited in amended claim 1 is applied to the captured call processing failure data on a cumulative basis. For example, as disclosed at pages 27-28 of the instant application, the analysis necessary to determine if a predetermined threshold of 50 call processing failures has occurred by 2:00 am requires the analysis of captured call processing failure data on a cumulative basis to determine if the predetermined condition has been satisfied.
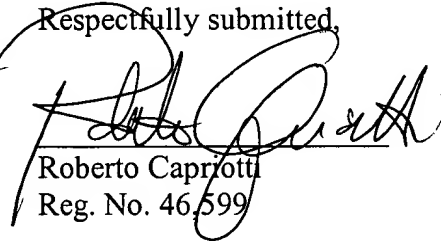
Claims 16, 35, 42, and 46 have been amended in a manner similar to claim 1 and are directed to systems, an apparatus, and a computer readable medium that include features similar to those discussed above with respect to claim 1. Therefore, for reasons analogous to those presented with respect to claim 1, Applicants respectfully submit that claims 16, 35, 42, and 46, as well as all claims depending therefrom, also are non-obvious and patentable over the cited references, taken alone or in combination.

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Applicants are not otherwise conceding, however, the correctness of the Office's rejection with respect to any of the dependent claims discussed above and hereby reserves the right to make additional arguments as may be necessary because additional features of the dependent claims further distinguish the claims from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

D. Conclusion

As all of the issues raised by the Examiner have been addressed, the Applicants respectfully request favorable reconsideration of this application and the issuance of a notice of allowance with respect to the pending claims. If the Examiner believes that the present application is in condition for disposition other than allowance, Applicants respectfully request that the Examiner contact the undersigned at the telephone number listed below so that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

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